

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:
VITAMINS ANTITRUST LITIGATION

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) Misc. No. 99-197 (TFH)
) MDL No. 1285

THIS DOCUMENT RELATES TO:
ALL ACTIONS

FILED

JAN 22 2003

MEMORIALIZING ORDER

RE: Motions Hearings

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

It is hereby **ORDERED** that:

(1) For the motions *in limine* to be heard on January 28, 2003, each side will be given 15 minutes to present argument. The order of argument shall be as follows (numbers used refer to the updated summary charts of plaintiffs' [#1(A-G)-2] and defendants' [#1-20] motions submitted to the Court on December 19, 2002): D1, P1(A), P1(C), D4, P1(F), P1(G), & P2.

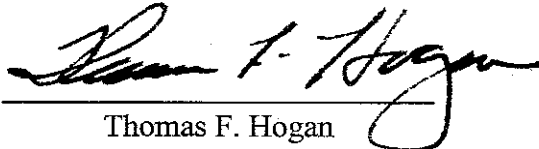
(2) The Court will hear the three remaining *Daubert* motions on Feb. 3, 2003 at 9:30 a.m. in the following order:

- (a) Certain Defendants' Motion to Preclude the Expert Testimony of B. Douglas Bernheim. (30 minutes per side, no live testimony);
- (b) Certain Defendants' Motion to Exclude the Expert Report and Testimony of Jeffrey M. Perloff. (30 minutes per side, no live testimony);
- (c) Niacin Defendants' Motion and Memorandum to Preclude the Expert Testimony of Dr. Bernheim and Dr. Perloff Related to Niacin. (60 minute per side to include live testimony).

(3) The Niacin Defendants will inform the Court no later than January 27, 2003 as to whether they intend to call witnesses at the above referenced *Daubert* hearing.

SO ORDERED.

January 22, 2003


Thomas F. Hogan
Chief Judge